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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 EDUARDO JAIME,

No. CIV S-05-0933-GEB-CMK-P

12 Petitioner,

13 vs.

ORDER


14 JEANNE WOODFORD,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. On August 3, 2005, petitioner filed a motion
19 seeking a “stay and abeyance” order pending resolution of his state court habeas proceeding. On
20 August 26, 2005, petitioner filed a notice that the California Supreme Court had denied habeas
21 relief. Petitioner has now filed a request to vacate any “stay and abeyance” order and to allow his
22 traverse to be filed. Because the court has not ruled on petitioner’s August 3, 2005, motion,
23 petitioner’s request to vacate any “stay and abeyance” order is construed as a request to withdraw
24 the August 3, 2005, motion. So construed, the request will be granted. Petitioner’s traverse has
25 been filed. Given that respondent’s answer addresses the merits of petitioner’s claims, there does
26 not appear to be any need for respondent to file a supplemental answer.

1 Accordingly, IT IS HEREBY ORDERED that petitioner's August 3, 2005, motion
2 is withdrawn and this case stands submitted on the merits.

3 DATED: November 14, 2005.

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6 **CRAIG M. KELLISON**
7 UNITED STATES MAGISTRATE JUDGE
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